



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14467 of 2021

1.R.Ganesh,
S/o.Ramakrishnan

2.Ramakrishnan,
S/o.Ganapathy

3.Malliga,
W/o.Ramakrishnan

4.Pandimurugan,
S/O.Ramakrishnan

... Petitioners/Accused 1 to 4

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
[Crime No.1 of 2021]

... Respondent/Complainant

For Petitioners : Mr.R.Prabhakaran,
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406, 294(b) and 506(ii) IPC and Section 4 of TNPHW in Crime No.1 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. After the marriage, they were living together with the entire family members. While so, the petitioners demanded dowry and other articles, apart from the one provided at the time of marriage. Further, they abused, harassed the defacto complainant even without providing her food and her entire salary amount was deposited in her father-in-law's account. Hence, the complaint.

3.The learned counsel for the petitioners submitted that this is the second bail petition. The first bail petition filed in Crl.O.P(MD)No.990 of 2021 was ordered on 29.07.2021, since the name of the police station was wrongly mentioned in the petition, they could not comply with the conditions. The subsequent applications filed for amendment and extension of time in Crl.M.P(MD)Nos.6525 and 6536 of 2021 were dismissed by this Court on 03.09.2021 with liberty to file a fresh anticipatory bail petition. Therefore, this second anticipatory bail petition is filed.

4.The learned Additional Public Prosecutor submitted that it is a matrimonial dispute between the family members and he fairly conceded that this Court earlier granted anticipatory bail to these petitioners.

5.It appears that it is a matrimonial dispute. Considering the nature of allegation against these petitioners and the grant of anticipatory bail by this Court earlier, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Judge, Sivagangai on condition that the petitioners each shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 am until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.



[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Judge / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Judge / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Additional Mahila Judge,
Sivagangai.
- 2.Do- Through Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Sivagangai, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD)No.14467 of 2021
Date : 28.09.2021